IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

MONDAY, THE 2ND JULY 2007 / 11TH ASHADHA 1929

WP(C).No. 20201 of 2007(E)

PETITIONER:

K.SUKUMARAN NAIR, S/O.KUTTAPPAN NAIR,
AGED 57 YEARS, RESIDING AT AMBIYIL HOUSE,
KUMARAPURAM, HARIPPAD, ALAPPUZHA DISTRICT.

BY ADV. SRI.T.MADHU
SRI.B.K.RAJAGOPAL

RESPONDENTS:
----

1. THE KERALA STATE ROAD TRANSPORT CORPORATION, REPRESENTED BY ITS MANAGING DIRECTOR, OFFICE OF THE MANAGING DIRECTOR, KSRTC, TRANSPORT BHAVAN, THIRUVANANTHAPURAM.

2. THE ASSISTANT TRANSPORT OFFICER, KSRTC, HARIPPAD, ALAPPUZHA DISTRICT.

3. THE ALAPPUZHA DISTRICT CO-OPERATIVE BANK, KATTANAM BRANCH, REPRESENTED BY ITS SECRETARY, O/O.THE SECRETARY, ALAPPUZHA DISTRICT CO-OPERATIVE BANK, KATTANAM BRANCH, ALAPPUZHA.

4. GENERAL MANAGER, ALAPPUZHA DISTRICT CO-OPERATIVE BANK, ALAPPUZHA.

R1 BY ADV. SHRI JOHNSON P. JOHN, SC, KSRTC.

R3 BY ADV. SHRI V.G. ARUN, SC.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 02/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. M. JOSEPH, J.

W.P.C. NO. 20201 OF 2007 E

Dated this the 2nd July, 2007

JUDGMENT

Petitioner is a surety for a loan taken by his wife from third respondent Bank. His wife could not repay the amount. Petitioner retired as Inspector from the service of first respondent Corporation. It is stated that the petitioner is diagnosed with hepatic cysts and liver cirrhosis.

2. I heard the learned counsel for the petitioner, first respondent Corporation and the third respondent Bank. The Writ Petition is disposed of with a direction to the first respondent to disburse to the third respondent the amount sufficient to discharge the loan outstanding in question from out of the DCRG amount or Commuted Value of Pension due to the petitioner, whichever is higher. If any amount remains after disbursing the entire loan amount to the third respondent, such amount shall be disbursed to the petitioner. If, however, any amount remains to be paid to the third respondent even after

payment of the amount as aforesaid, it is for the third respondent to take steps in accordance with law. The payment shall be made to the third respondent as aforesaid within a period of one month from the date of receipt of a copy of this Judgment. The payment of any amount found due to the petitioner as aforesaid, shall be paid to him within a period of six weeks from the date of receipt of a copy of this Judgment.

K. M. JOSEPH, JUDGE

kbk.